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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,663	10/20/2000	Jonathan J. King	STE01 P-1069	7520

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EXAMINER

DORSEY, DENNIS

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,663

Applicant(s)

KING ET AL.

Examiner

Dennis L Dorsey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 is/are allowed.
- 6) ☒ Claim(s) 1, 7-10, 12-16 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 2-6, 11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5-6, 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II in Paper No. 12 is acknowledged.

Upon further consideration by the Examiner and after completing the search for the elected claims the burden to consider the remaining claims was not substantial, thus, claims 1-31 will be examined.

Specification

2. The disclosure is objected to because of the following informalities: on page 6, lines 15-20 the information provided is incomplete and should be updated or the section deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the claim is indefinite since the claim language is inconsistent and unclear to the Examiner. In line 2 "an upper edge of the partition" is claimed; however in line eight "an upper edge portion" is claimed. Are these two the same?

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6. Regarding claim 1, the claim is indefinite since it claims the first and second support members are different heights and supports the raceway uniformly spaced vertical, yet claims the two supports attached to the same partition frame.

7. Regarding claim 12, line 3 the phrase "said support member" is indefinite since claim 12 depends from claim 8 and claim 8 sets forth a first and second support member, it is unclear which member is being referenced.

8. Regarding claim 13, line 12 the phrase "said partition frame" is indefinite since claim 13 sets forth a first and second partition frame, it is unclear which frame is being referenced.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox et al. Patent Number 5,606,919.

Fox '919 teaches all the limitations of the above claims including a partition frame with a horizontally extending upper frame (12') with upper edge, pair of horizontally spaced apart vertical frame members (16'), lower portion (12), horizontally extending U-shaped (see figure 12) raceway (13') spaced vertically from upper frame (12'), first and second vertically extending support members (11'), and a pair of flexible flaps (113, see Figure 2) closes off top of raceway.

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 13-16, and 19-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Rothschild Patent Number 6,023,896.

Rothschild '896 teaches all the limitations of the above claims including a first and second partition frame (12) of standard design and heights determined by the site (column 7, lines 57-61) configured to abut, elevated u-shaped raceway (56) that telescopes to different heights spaced generally parallel above the first and second partition frames, horizontal row of openings (column 7, lines 43-46), vertical utility conduit (60), clip (62), receptacle (14), and support (70) received in groove of raceway (56).

12. Claims 25-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Chau et al. Patent Number 6,101,773.

Chau '773 teaches all the limitations of the above claims including a partition frame (10) with vertical frame member (42), a pair of vertical rows of openings (50) opening outwardly, and clips (58) for routing utility lines.

Allowable Subject Matter

13. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

14. Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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15. The following is a statement of reasons for the indication of allowable subject matter: the inclusion of the first and second connectors spaced from a single continuous raceway at different heights while providing uniform vertical height to the raceway above two separate partition frames in combination with the other elements recited is not taught by the prior art.

16. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: the inclusion of the vertically elongated opening with a sheet extending vertically above within the elongated openings in combination with the other elements recited is not taught by the prior art.

18. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter: the inclusion of the first and second sections of the raceway having lengths less than the width of first and second partition frames respectively in combination with the other elements recited is not taught by the prior art.

20. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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21. The following is a statement of reasons for the indication of allowable subject matter: the inclusion of the grooves in the lower side of the raceway and the support members received in the grooves in combination with the other elements recited is not taught by the prior art.

22. Claims 27-31 are allowed.

23. The following is an examiner's statement of reasons for allowance: the inclusion of the vertically elongated opening with a sheet extending vertically above within the elongated openings in combination with the other elements recited is not taught by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L Dorsey whose telephone number is 703-306-9137. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

DLD 

February 24, 2003

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

